CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: Marysville ROW

Proposed

Implementation Date: Fall 2007

Proponent: Lewis & Clark County
Location: Section 36 T12N R5W

County: Lewis & Clark
Trust: Common Schools

I. TYPE AND PURPOSE OF ACTION

Lewis & Clark County would like to obtain an easement for a road across State land in section 36, T12N, R5W. The easement would facilitate a larger reconstruction project for the Marysville road from highway 279 to a point above Marysville. The overall project has been the subject of an environmental assessment and finding of no significant impact, prepared for the MT-DOT. This EA only addresses the issuing of an easement across the State Land. Impacts and a discussion of cumulative impacts for the overall project can be found in the EA for the overall project.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The project has been the object of extensive scoping with agencies, affected owners, lessees, and the general public. DNRC was contacted regarding the project in June 2007, and received the actual easement application October 18, 2007.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

See overall project EA.

This overall multi-million dollar project must have easements in place by December 2007, or the Federal funding may be jeopardized.

3. ALTERNATIVES CONSIDERED:

No Action – Recommending that the Land Board not issue an easement (See section 24 below for a discussion regarding the existing road.)

The Proposed Action – Recommending that the land Board does approve sale of an 80 foot easement to L&C Co.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.
- Enter "NONE" If no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

State land involved is gentle with no impact expected.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

None. The project is within the Silver Creek Watershed. A description of the hydrologic resources and potential overall effects is in the overall project EA, section 3.11. On the State Trust land, Silver Creek is more than 1700 feet from the project area, on very gentle terrain. No surface or groundwater impacts are expected on the state land.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

None. Some short term increase in dust could occur during construction. Road surfacing would reduce long term impacts to levels below the current levels. See the overall EA, section 3.9, for discussion of cumulative impact.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

None. See the overall EA, section 3.13.3. Some disturbance would occur with construction. A 60 foot width, though having no easement of record across the Trust lands, is already utilized as a road. If approved, the project would really only be affecting an additional 20 foot of width on the Trust land. Disturbed areas would be seeded to grass. With an easement in place, L&C Co. would be responsible for weed management along the R/W. See section 3.13.3.2.3 of the overall EA for the vegetation mitigation discussion.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

See overall EA. Section 3.13 for these discussions. The minimal acreage of open rangeland on the Trust lands involved is not likely to result in any adverse effects.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

See section 3.14 of the overall EA for a full description of T & E resources. No adverse affects are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A lithic scatter (24LC1915) is located near the junction of the Marysville Road and Highway 279, but is outside of the area of the proposed easement disturbance.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

None. The state land is visible from highway 279 but minimal impact is expected. See overall EA section 3.18.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Minimal impacts are expected.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

See the overall EA, prepared for the MT-DOT. "Environmental Assessment and Nationwide Section 4(f) Evaluation", Marysville Road Improvement Project, TCSP 25(43) CN 4983, Lewis and Clark County, Montana, July 2006. These documents may be found on-line at the following location.

http://www.mdt.mt.gov/pubinvolve/eis ea.shtml

IV. IMPACTS ON THE HUMAN POPULATION

- RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.
- Enter "NONE" If no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

Public safety should be improved by the overall project. The changes proposed specifically on the Trust land, where a single straight road segment exists, would likely have no effect either way.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

No effects anticipated from the small scale easement on the Trust land.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

No effects anticipated from the small scale easement on the Trust land.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

No effects anticipated from the small scale easement on the Trust land.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

No effects anticipated from the small scale easement on the Trust land. See the overall EA, section 3.3.2 for a full discussion of this topic.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

None, there is no County zoning along this corridor.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

None. Access to adjacent state land would not be affected.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

No effects anticipated from the small scale easement on the Trust land.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

No effects anticipated from the small scale easement on the Trust land.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

No effects anticipated.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The road currently existing in this location has no documented easement across the Trust lands. Research into the history of the road indicates that it was built on the abandoned Great Northern Railroad grade in about 1890. The lands in section 36, T12N, R5E were surveyed by the GLO in 1871 (no road shown present at that time) and ownership vested to the State on November 8, 1889. Correspondence from Tom Butler (DNRC Attorney) on 9/24/2007 indicates that use prior to Statehood to prove establishment of an R.S. 2477 road is not possible, nor is there any documentation that a County road was ever established at this location by petition process.

The roadway, as it exists (with a theoretical 60 foot R/W width occupying 3.590 acres of Trust land), would qualify for review under the Historic Easement process in section 77-1-130, MCA. In this case, no environmental review would be needed, and the County would be liable to the State for the full current value of the easement.

Given that the road project now proposes an easement width of 80 feet, rather than applying under the Historic process for the original 60 feet, and under the new easement process for the additional 20 feet, the County has elected to submit a single easement application for the full 80 foot width. The applied for easement contains an area of 5.524 total acres.

An appraisal of land values, as revised 10/15/2007, estimates the local land value at \$1600.00/acre.

Issuing the easement would result in approximately \$8838.00 to the Trust (\$1600/acre * 5.524 acres, rounded to the nearest whole dollar.), would clarification of the legal status of the road, and result in minimal impacts. Not issuing the easement would leave the legal status of the road in dispute and not provide compensation to the Trust.

The State grazing lessees have agreed to a damage settlement amount, to compensate them for the replacement of the pasture fencing at each side of the proposed new R/W. This value is based upon the cost estimates to replace the lineal footage of fence at current rates for materials and labor. The dollar value of these settlements is not relevant to the decision by DNRC regarding this easement proposal.

The planned road reconstruction project is tied to 26 million Dollars of Federal project funding. The County has indicated that if easements are not in place by December 15, 2007, this funding could be lost. (email from Tom Butler to Jeanne Holmgren and Lisa Axline, 10/22/2007.)

EA Checklist
Prepared By:Name:Robert VlahovichDate:10/30/07Title:Special Uses coord.

V. FINDING

25. ALTERNATIVE SELECTED:

I have selected the alternative to recommend that the Land Board approve the easement as applied for. The Easement would create an 80 foot wide Easement to Lewis & Clark County across State Trust lands, and facilitate the planned road reconstruction project.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The overall project EA and Finding of No Significant Impacts, prepared for the MT-DOT addressed and found no significant adverse affects to result from the road project.

This EA was prepared to address just those issues germane to the approval of an easement across the State Trust lands. There has been a road here, a road generally perceived as a County Road, for many years. However, there has been no easement nor previous to State ownership use to establish this route as a legal County road. Approval of the full 80 foot, 5.524 acre easement will clarify the legal status of the road, support the reconstruction and paving of the Marysville road (resulting in improved traffic safety and reduced dust), and have no other adverse significant effects.

Selecting the no action alternative would have had the indirect effect of jeopardizing the multi-million dollars of Federal funding for the overall project.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:					
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	EA Checklist	Name:	D.J. Bakken		
	Approved By:	Title:	Helena Unit Manager		
	Signature: /S/ Darrel J. Bakken		Date:	10/31/2007	
			Date.	10/01/2007	

